

UNITED STATES DISTRICT JUDGE  
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Beaumont, Texas 77704  
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## **PROCEDURES MANUAL**

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July 2004

1. **CONTACT WITH COURT PERSONNEL**

- A. Case-related telephone inquiries should be made to the court administrator only, not to the law clerks or to the judge.
- B. The case load prevents the court administrator from responding to casual telephone inquiries about motions and case status. Inquiries about such matters should be in writing unless time does not permit.
- C. Information about the electronic filing of documents, exemptions to the electronic filing of documents, the entry of orders, or docket entries should be obtained from the United States District Clerk's Office - Beaumont Division at 409-654-7000. In addition, such information is available through the Case Management/Electronic Case Files (CM/ECF) database, which provides attorneys with docketing information, printable images of documents, 24-hour filing capability, and e-mail (rather than fax) notification of the entry of court orders and judgments. This database can be accessed from the Eastern District's web site at [www.txed.uscourts.gov](http://www.txed.uscourts.gov) and requires registration.
- D. Case-related correspondence should be addressed to:

Ms. Debbie Collazo  
Court Administrator for Judge Marcia A. Crone  
P. O. Box 1470  
Beaumont, Texas 77704
- E. Substantive issues should not be raised in letter form because letters are not docketed or included in the appellate record. A copy of urgent documents, including letters, should be sent directly to chambers to ensure that they quickly come to the court's attention.
- F. At the court's direction, the law clerks may contact counsel, but they will not discuss matters other than the subject of the call, and counsel should not attempt to extract additional information. Counsel should respond promptly to a law clerk's inquiry.

2. **EMERGENCIES**

- A. Applications for restraining orders or for other immediate relief should be made through the court administrator. The court administrator will present such applications to the court following counsel's affirmation that the opposing party has been contacted and that both

parties can be available for a hearing on the record. *Ex parte* applications for restraining orders will not be entertained by the court unless the requirements of FED. R. CIV. P. 65(b) have been satisfied.

B. Motions for extension of deadlines or cut-off dates are not emergencies.

### 3. **APPEARANCES**

A. An attorney who appears at a hearing or conference shall:

- (1) be familiar with the case;
- (2) have authority to bind the client;
- (3) be in charge for that appearance; and
- (4) be on time.

B. If out-of-town counsel wish to appear by telephone for an in-chambers status conference, a written request should be made to the court administrator as far in advance of the conference as reasonably possible. The court, at its discretion, will attempt to accommodate out-of-town counsel. No recording will be made of the status conference, however, if it is conducted, in whole or in part, telephonically.

C. Counsel must notify the court administrator **immediately** of the resolution of any matter that is set for trial or hearing.

D. Failure to appear when notified of a setting will subject that attorney and/or his or her client to sanctions, including dismissal for want of prosecution and/or appropriate judgment.

E. Pursuant to Local Rules CV-5 and CV-11, every document filed must be signed by, or by permission of, the attorney-in-charge.

- (1) Required Information. Under the signature, the following information shall appear:
  - a. Attorney's individual name;
  - b. Designation "attorney-in-charge";
  - c. State bar number;

- d. Office address, including zip code;
- e. Telephone and facsimile numbers with area codes; and
- f. E-mail address.

(2) Allowed Information. Names of firms and associate counsel may appear with the designation “of counsel.”

#### 4. ELECTRONIC FILING

- A. The court follows the electronic filing requirements and exemptions to electronic filing described in Local Rule CV-5.
- B. Any questions concerning electronic filing procedures, requirements, or attorney registration should be directed to the District Clerk’s Office.

#### 5. MOTION PRACTICE

- A. The court follows the motion practice described in the Local Rules. Because many motions will be ruled on without an oral hearing, clear and concise motions and responses are essential. The court will consider the motion and response after the submission date. If no response is on file, the motion will be deemed unopposed.
- B. A submission date may be extended, prior to the expiration of the submission period, by agreement of counsel except when the extension violates a court-imposed deadline. Counsel should immediately notify the court administrator of such an agreement in writing and attach an appropriate agreed order.
- C. The court believes that most discovery disputes, especially those dealing with: (1) scheduling; (2) the number, length, or form of oral or written questions; (3) the responsiveness of answers to oral or written questions; and (4) the mechanics of document production, including protective orders and the proper method of raising claims of privilege, can be resolved by counsel without the court’s intervention.

The court will not hear discovery motions unless moving counsel advises the court in the motion that counsel have conferred in a good faith effort to resolve the matters in dispute but are unable to reach agreement. Pursuant to Local Rule CV-7(h), unless specifically excepted by the Local Rules, all motions must include a “certificate of conference” at the end of the motion following the certificate of service. The statement shall recite the date, time, and place of such conference, the names of all parties who took part, and whether

the motion is opposed or unopposed. If moving counsel has been unable to confer because of the unavailability or unwillingness of opposing counsel, the statement shall recite the facts concerning attempts to hold such a conference.

Furthermore, the court will not hear emergency discovery motions unless moving counsel has utilized the discovery hotline, as outlined in Local Rule CV-26(e), and, if dissatisfied, has filed a timely objection to the magistrate judge's disposition of the matter.

- D. Motions for extending the discovery or motion deadline must be filed far enough in advance of the deadline to enable opposing counsel to respond before the deadline.
- E. Requests for oral argument on motions are not necessary. The court administrator will notify counsel if the court determines that oral argument would be beneficial. If oral argument is permitted, counsel may offer evidence and testimony only if leave is obtained from the court in advance.
- F. If a motion hearing is scheduled and a pleading is filed within five (5) days of the scheduled hearing, counsel **must deliver a courtesy copy to chambers.**
- G. The court will rule on motions as soon as possible. **In accordance with Local Rule CV-7(a), each motion and response must be accompanied by a proposed order.** Counsel will be furnished with electronic copies of signed orders.
- H. All documents, excluding exhibits, filed with the court **must be electronically filed, or, if exempt, typewritten, double-spaced, printed on only one side of the document, and in at least 12-point font.**

## 6. BRIEFS

- A. In consideration of the court's docket and to assist the court in resolving motions in a timely manner, counsel and the parties shall comply with the following motion practice requirements in addition to the Federal Rules of Civil Procedure and Local Rules CV-5, CV-7, CV-10, CV-11, and for motions for summary judgment, Local Rule CV-56. **Simultaneous with the electronic filing, a written courtesy copy of any motion or response in excess of five (5) pages shall be delivered to the court's chambers or mailed to the court's post office box listed on the front of this manual.**
- B. The court requires concise, pertinent, and well-organized briefs and memoranda of law. **All briefs and memoranda shall conform to the page limitations set forth in Local Rules CV-5 and CV-7** unless counsel obtains leave of court for a longer submission. Local Rule CV-7 requires counsel to attach affidavits and other supporting documents to

the motion or response, highlighting in the court's copy the relevant portions cited in the motion or response.

- C. **Citations to cases must include jump cites to the specific pages relied upon to support the party's position.**
- D. With respect to motions for summary judgment and other dispositive motions, all briefs and memoranda must contain items (3), (4), (5), (6), (8), and (9) from the list below. Any brief or memorandum that has more than ten (10) pages of argument must contain all the following items listed:
- (1) A table of contents setting forth the page number of each section, including all headings designated in the body of the brief or memorandum;
  - (2) A table of citations of cases, statutes, rules, treatises, and other authorities, alphabetically arranged;
  - (3) A short statement of the nature and stage of the proceeding;
  - (4) A list of undisputed facts upon which the movant relies to demonstrate entitlement to the relief requested. The list shall contain only material facts that are not in dispute, and each fact shall be in a separately numbered sentence with reference to the evidentiary record;
  - (5) A response by the opposing party to the movant's claimed undisputed material facts. Each response to the movant's list shall be designated as such and contain a specific numbered reply to each numbered sentence in the movant's list of claimed undisputed facts. Such response shall take the place of the "Statement of Genuine Issues" required by Local Rule CV-56(b). The response shall consist of the single word "undisputed," the single word "disputed" followed by a specific reference to the evidentiary record, a short explanatory phrase such as "undisputed but not material," or "undisputed by context clarified in sentence \_\_\_\_ below." If the non-moving party needs more discovery as to a particular fact listed by the movant, such party must state exactly what discovery is required, from whom it is needed, and when the party proposes to complete such discovery. The non-movant may then list any additional material facts deemed to require denial of the motion, setting out each fact in a separate sentence with a citation to the evidentiary record;
  - (6) The movant shall clearly set forth a statement of the issues to be ruled upon by the court and a short statement, supported by authority, of the standard of review for

each issue. The non-movant need not list these issues in the response but may state other issues, such as affirmative defenses, that would justify denial of the motion;

- (7) A short summary of the argument;
  - (8) The argument shall be divided under appropriate headings, succinctly setting forth separate points with citations to controlling statutes and/or cases which explain why the court should resolve the issues accordingly;
  - (9) A short conclusion stating the precise relief sought.
- E. Any brief, memorandum, or motion that cites authorities not found in the United States Code, United States Supreme Court Reporter, Federal Reporter, Federal Supplement, Federal Rules Decisions, Southwestern Reporter, or Vernon's Revised Texas Statutes and Codes Annotated should have attached as an appendix complete copies of such cases and the relevant portions of other non-case authorities.
- F. Copies of any affidavits, deposition testimony, or other discovery referred to in the motion should also be contained in the appendix. All appendices should contain a paginated table of contents and, while original papers offered for filing shall not include tabs or dividers under Local Rule CV-10(b), all courtesy copies of original papers sent to chambers should be tabbed for ease of reference to the materials in the appendix.

## **7. PRETRIAL CONFERENCES AND SCHEDULING ORDERS**

- A. Refer to Local Rule CV-16. Pursuant to FED. R. CIV. P. 26(f), counsel will confer no later than the date set forth in the order to conduct a Rule 26(f) conference. The parties shall prepare and file a joint conference report, as directed by the court, within fourteen (14) days after the conference. Attached is a form scheduling order used by the court. The parties should attempt to agree on deadlines for completion of pretrial matters and submit a proposed scheduling order with their joint conference report. After receiving the joint conference report, the court will convene an in-chambers status conference and/or enter a scheduling order.
- B. The scheduling order will control the subsequent course of the case and shall not be modified except by leave of court upon a showing of good cause.
- C. If new parties are joined subsequent to the mailing of the order, the party causing such joinder shall provide copies of all orders previously entered in the case, along with the scheduling order and the court's procedures manual to the new parties.

- D. At every pretrial conference, counsel must be prepared to address all pending and anticipated motions, jurisdictional and procedural matters, narrowing of substantive issues, and stipulations of fact. The court uses pretrial conferences to narrow issues and set cases for a prompt trial.

## 8. **REQUIRED PRETRIAL MATERIALS IN CIVIL CASES**

### A. **Joint Pretrial Order**

The joint pretrial order, including motions in limine and a proposed charge and interrogatories or proposed findings of fact and conclusions of law, shall be filed on or before the date set forth in the scheduling order. The parties shall exchange proposed exhibits on or before the date the joint pretrial order is due. Within one week after the filing of the joint pretrial order, any objections to the proposed exhibits, witnesses, and charge shall be filed, as directed in the scheduling order.

Counsel must confer concerning the contents of the joint pretrial order well in advance of the due date. Plaintiff's counsel shall ensure that the joint pretrial order is timely filed. A form joint pretrial order is attached and may be adapted within reason to the size and type of case. Joint pretrial orders must be signed by all counsel.

If, for some reason, the plaintiff fails to file the joint pretrial order, then the defendant is responsible for filing the defendant's portion of a proposed pretrial order. All parties are responsible for complying with the requirements of the joint pretrial order.

Failure to appear and/or timely file the joint pretrial order will subject counsel and his or her client to sanctions, including dismissal for want of prosecution and/or other appropriate judgment.

**ON THE DAY OF FILING, TWO (2) COURTESY COPIES OF THE JOINT PRETRIAL ORDER AND ATTACHMENTS, BOUND IN LOOSELEAF THREE-RING NOTEBOOKS WITH DIVIDERS, ARE TO BE DELIVERED TO CHAMBERS.**

### B. **Required Documents**

#### (1) **For Jury Trials**

- a. Agreed charge including proposed jury instructions (aside from usual prefatory or boilerplate instructions), definitions, and interrogatories submitted on a 3.5" computer disk formatted for WordPerfect. Each



requested instruction and definition should be simple, concise, and tied to the appropriate interrogatory, which must be numbered. Include citation of authority for each proposed instruction in the charge. Place any requested definitions and instructions under the proposed interrogatory to which it pertains. Counsel may request a sample charge format from the court administrator. Counsel shall submit two (2) versions: one marked “requested” for filing and one marked “charge and interrogatories” for submission to the jury during deliberations. Omit citations from the jury’s copy. Add a line for the foreperson’s signature and date;

- b. The court expects the parties to resolve their differences as to these matters. If the parties cannot agree on a particular instruction or issue, however, such disagreement and alternate requests must be submitted on separate pages and will be resolved at the final pretrial conference or at a charge conference;
- c. Memoranda of law on disputed issues of law;
- d. Motions in limine.

**(2) For Non-Jury Trials**

- a. Proposed findings of fact and conclusions of law submitted on a 3.5" computer disk formatted for WordPerfect. Findings and conclusions must be in a form suitable for ruling from the bench after closing arguments;
- b. Memoranda of law on disputed issues of law;
- c. Post-trial briefs should be limited to specific issues requested by the court during or after trial.

**(3) For All Trials and Hearings**

- a. Exhibit lists and objections;
- b. Witness lists and objections;
- c. Deposition designations and objections.

**9. EXHIBITS**

- A. Counsel for each party shall assemble all documents, photographs, or other materials expected to be used at trial. Such documents or copies must be made available to opposing counsel on or before the date the joint pretrial order is due. The court encourages counsel to agree upon joint exhibits to avoid duplication. If joint exhibits are agreed upon, they must each be marked with the case name, case number, and exhibit number. If no agreement can be reached, the offering party shall mark his or her own exhibits with the party's name, case number, and exhibit number on each exhibit to be offered.
- B. Counsel requiring authentication of an exhibit must notify offering counsel in writing within three (3) business days after the exhibit is made available for examination. Failure to do so is an admission of authenticity.
- C. Counsel shall attach to the joint pretrial order two (2) copies of the list of all exhibits to be offered on a form substantially similar to that attached and shall submit to the court administrator prior to the final pretrial conference a final revised list of exhibits to be offered.
- D. **The court will admit all exhibits listed in the joint pretrial order into evidence at the final pretrial conference unless opposing counsel files written objections supported by authority within one week after the joint pretrial order is filed.** Objections to proposed exhibits, witnesses, and deposition excerpts, as well as responses to motions in limine, shall be filed by the date set forth in the scheduling order.
- E. The court will rule on objections to the exhibits at the final pretrial conference.
- F. Two (2) courtesy copies of the exhibits shall be assembled in looseleaf three-ring notebooks with a numbered sticker on each document for use by the court. Such number shall also appear on a tab extending beyond the right side of the notebook. Each notebook shall be labeled on the outside cover with the name of the offering party, the case style, and the case number. Each notebook shall not exceed three (3) inches in depth. Unless joint exhibits are used, the notebooks of each party must be of a different color.

**THESE NOTEBOOKS SHALL BE DELIVERED TO CHAMBERS ALONG WITH THE COURTESY COPIES OF THE JOINT PRETRIAL ORDER.**

- G. **Counsel shall prepare exhibit notebooks in the form described above for each member of the jury and an additional set for use on the witness stand.** Each party must use a different color binder to enable the jurors to differentiate quickly between the parties' exhibit notebooks. All admitted exhibits will go to the jury during deliberations.

- H. Exhibits of unmanageable size (such as charts, diagrams, posters, etc.) shall be withdrawn immediately upon completion of trial and reduced reproductions or photographs substituted pursuant to Local Rule CV-79(c)(3).
- I. Counsel should become familiar with Local Rule CV-79 regarding disposition of exhibits following trial.

10. **WITNESSES**

- A. Counsel shall submit as part of the joint pretrial order two (2) copies of the party's witness list, listing the witnesses in the order in which they will be called and stating the estimated time for examination, on a form substantially similar to that attached. In a lengthy trial involving numerous witnesses, a special scheduling order setting forth time limits for each aspect of the trial may be issued.
- B. Any objections to a witness's proposed testimony will be ruled upon at the final pretrial conference if not already determined.
- C. Counsel are responsible for summoning witnesses into the courtroom and instructing them on courtroom decorum.
- D. Counsel shall make every effort to elicit from the witnesses only information relevant to the issues in the case and to avoid cumulative testimony.
- E. Counsel shall keep in mind the court's hours and schedule witnesses accordingly. The court will not recess to permit counsel to call a missing witness unless he or she has been subpoenaed and has failed to appear.

11. **USE OF DEPOSITIONS**

- A. With respect to all deposition testimony to be offered in evidence, counsel shall review the deposition and agree to excise all irrelevant and repetitive testimony and all colloquy between counsel. Counsel shall exchange their designated testimony and attempt to resolve all objections prior to the final pretrial conference. Objections to any portion of the deposition shall be filed on the date set forth in the scheduling order, and the court will rule on the objections at the final pretrial conference.
- B. In a bench trial, when deposition testimony is permissible, counsel shall offer the entire deposition as a trial exhibit and read only the most relevant deposition testimony into the record. In addition, counsel shall attach to the front of the deposition exhibit a summary of what each party intends to prove by such testimony. If portions of the deposition are

to be offered, counsel shall attach to the front of the deposition exhibit the designated portions of such testimony to be read by the court, citing page and line numbers. **TWO (2) COURTESY COPIES OF THE DEPOSITIONS SO MARKED SHALL BE DELIVERED TO CHAMBERS PRIOR TO THE FINAL PRETRIAL CONFERENCE.**

- C. Under certain circumstances, the court may accept the parties' agreement to use a deposition at trial even though the witness is available, but counsel shall request leave of court to do so at the time of filing of the joint pretrial order; otherwise, follow FED. R. CIV. P. 32.
- D. **Before trial, counsel must provide the court administrator with two copies of any deposition to be used at trial with the relevant portions highlighted**
- E. Use of videotaped depositions is permitted if they are edited to remove sidebar remarks and testimony to which objections are sustained.

## 12. TRIAL SETTINGS

- A. The court holds civil docket call on a monthly basis at 10:00 a.m. on dates designated by the court. At the docket call, the court sets specific, final pretrial conference and trial dates for each pending case. All pending motions, as well as objections to the use of exhibits, witnesses, and deposition excerpts at trial, will be ruled on at the final pretrial conference if not previously resolved.
- B. The court holds criminal pretrial conferences the fourth Monday of each month at 9:00 a.m. unless the parties are otherwise notified. The parties should be prepared to answer questions on any pending motions. All pending motions, as well as objections to the use of exhibits, may be ruled on at the pretrial conference. Trial of the case will be set at the pretrial conference for the weeks immediately following the conference. A case not reached for trial at the original setting will be reset to the earliest possible date.
- C. Unless an attorney has actually begun trial in another court, prior settings will not cause a case to be continued.

## 13. CONTINUANCES

- A. Joint motions for continuance are not binding and will be granted only at the court's discretion.

- B. Bona fide vacation requests will be respected if they are made well in advance of the trial setting.
- C. A trial will not be continued because of the unavailability of a witness. Counsel are expected to anticipate such possibilities and should be prepared to present testimony by stenographically recorded deposition, video-taped deposition, or stipulation.

#### 14. **COURTROOM PROCEDURES**

##### A. **Hours**

The court's hours during trial will vary depending upon the type of case and the needs of the parties, counsel, witnesses, and the court. The court will normally convene at 9:00 a.m. and adjourn around 5:30 p.m., recessing for lunch between 12:00 p.m. and 1:30 p.m.

##### B. **Access at Other Times**

Counsel needing access to the courtroom to set up equipment or exhibits before or after the standard hours must arrange in advance with the court administrator to have the courtroom opened.

##### C. **Equipment**

- (1) The courtroom is equipped with an overhead projector; sound and video equipment; input for laptops at the bench, counsel table, witness stand, and podium; monitors at the bench, counsel table, witness stand, and podium; a document camera; a drop down screen facing the jury; and easels with writing pads.
- (2) Counsel are responsible for setting up the overhead projector and sound or video equipment. Prior permission must be obtained from the court administrator in order to permit arrangements to be made with the court security officers.
- (3) Because jurors are permitted to take notes during trial, counsel are responsible for providing a notepad and a pen for each member of the jury. Counsel shall furnish these items to the court administrator on the first day of trial.

##### D. **Telephones**

Telephone messages will **not** be taken by the Judge's staff, and counsel shall refrain from requesting use of telephones in chambers.

E. **Filing of Documents**

Two (2) copies of documents filed electronically or otherwise immediately before and during trial must be submitted to the court administrator.

F. **Decorum**

- (1) Counsel and parties shall comply with Local Rule AT-3 regarding courtroom behavior. These procedures are strictly enforced.
- (2) Counsel shall ensure that all parties and witnesses refrain from chewing gum, drinking, eating, smoking, wearing hats, or reading newspapers, books, etc., in the courtroom.
- (3) All counsel and parties are expected to be seated at the counsel tables and ready to proceed when court is called into session. Counsel may drink water in the courtroom at the counsel table, but no other eating or drinking is permitted.
- (4) Counsel may question witnesses either while standing at the lectern or seated at the counsel table, whichever is preferred.
- (5) Counsel shall conduct opening statements and closing arguments either from the lectern, standing before the jury (in jury trials), or facing the court (in bench trials).
- (6) Counsel need not seek permission to “approach the witness” unless requested to do so by the court.
- (7) All counsel are expected to stand at all times when addressing the court.
- (8) Counsel must place all cellular telephones and pagers in the inaudible mode.

G. **Seating**

- (1) The court does not designate seating at counsel tables. This is determined on a first-come, first-served basis on the first day of trial.
- (2) Enter and leave the courtroom by the front doors only; do not use the court’s entrance or the side entrances.

H. **Availability**

While the jury is deliberating, counsel, unless given permission by the court to leave, shall remain in or near the courtroom to be available immediately for jury notes or a verdict.

I. **Post-trial Contact**

In accordance with Local Rule CV-47, after the verdict is rendered and the jury and counsel are excused, counsel may contact the jurors if permitted by the court, but counsel may not use information gained from such discussions to impeach the verdict.

15. **VOIR DIRE**

- A. The court will conduct a preliminary examination of the jury panel. Following the court's examination, each side will be allowed from fifteen (15) to twenty (20) minutes to examine the panel.
- B. Prior to the commencement of voir dire, counsel for each party will receive a copy of a list of randomly selected, pre-qualified jurors prepared by the Clerk's office.
- C. Do not waste voir dire by using it as an opening statement.
- D. Remember that strikes will be made from the top of the panel list.
- E. The panel comes from the jury administrator set up in a random fashion—do not ask for a re-shuffle.

16. **SETTLEMENTS AND ORDERS OF DISMISSAL**

A. **Settlements**

- (1) The parties in every civil action must make a good faith effort to settle the case. Settlement negotiations shall be entered into at the earliest possible time, well in advance of any pretrial conference.
- (2) The court, upon motion by a party or *sua sponte*, may order mediation if deemed appropriate.
- (3) The court will be available for settlement discussions. In nonjury cases, the court will not discuss settlement figures except upon request and approval of all concerned parties.

- (4) **Counsel shall immediately notify the court administrator of the settlement of any case with pending motions or set for conference, hearing, or trial.**
- (5) Announcement of settlement must be followed by the closing papers within thirty (30) days.
- (6) Upon settlement of a suit involving a minor plaintiff, counsel shall jointly move for appointment of a guardian *ad litem* if there is a potential conflict of interest between the parent(s) and the minor. If counsel cannot agree on a guardian *ad litem*, each counsel shall submit the names of three proposed *ad litem*s, and the court will appoint one guardian *ad litem* from the list. With the motion for appointment, counsel will notify the court administrator by letter requesting a settlement conference.
- (7) Prior to the conference, counsel shall furnish the court a copy of the proposed final judgment and any additional information that counsel feel might be helpful to the court in approving the settlement. Any motion by the guardian *ad litem* requesting that funds be placed in the registry of the court must be filed prior to the conference and approved by the Finance Administrator of the Clerk's office.
- (8) All counsel and parties must attend the conference unless excused for good cause shown.

**B. Orders of Dismissal**

Any defendant upon whom service has not been perfected within 120 days after the complaint is filed will be dismissed from the case for want of prosecution in accordance with FED. R. CIV. P. 4(m) and Local Rule CV-41.



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**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

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*versus*

§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. \_\_\_\_\_

**JOINT PRETRIAL ORDER**

**Appearance of Counsel**

List the parties, their respective counsel, and the addresses and telephone numbers of counsel in separate paragraphs.

**Statement of the Case**

Give a brief statement of the case for the information of the court and/or jury, which the court may read to the jury panel to ascertain whether any panelists are acquainted with the facts or parties involved in the case. Include names, dates, and places.

**Jurisdiction**

Briefly set out why the court has full and complete jurisdiction of the subject matter and the parties. If there is an unresolved jurisdictional question, state the problem.

**Motions**

List any pending motions.

**Contentions of the Parties**

State concisely in separate paragraphs what each party claims.

**Admissions of Fact**

List all facts that require no proof.

### **Contested Issues of Fact**

List all facts in controversy necessary to the final disposition of the case.

### **Agreed Applicable Propositions of Law**

State the legal principles governing this case that are not in dispute.

### **Contested Issues of Law**

State briefly the disputed issues of law. **MEMORANDA OF AUTHORITIES MUST BE FILED TO ADDRESS EACH OF THE ISSUES THAT AFFECT THE CASE.**

### **Exhibits**

Each counsel shall attach to the joint pretrial order two (2) copies of a list on a form substantially similar to that attached of all exhibits expected to be offered. Counsel shall make the exhibits available for examination by opposing counsel on or before the date the joint pretrial order is due. This rule does not apply to rebuttal exhibits or those the use of which cannot be anticipated.

All counsel requiring authentication of an exhibit must notify the offering counsel in writing within three (3) business days after the exhibit is made available. Failure to object in writing concedes authenticity.

The court will admit into evidence all exhibits listed in the final pretrial order unless opposing counsel files written objections with authorities by the date set forth in the scheduling order. The filing should include copies of the disputed exhibit and relevant authority.

The offering party shall mark his or her own exhibits before trial to include the party's name, case number, and exhibit number on each exhibit, unless joint exhibits are to be used and marked accordingly. If an exhibit has multiple pages, each page must be numbered consecutively.

### **Witnesses**

Each counsel shall attach two (2) copies of a list in a form substantially similar to that attached setting forth the names and addresses of each witness who will or may be called at trial in the order of their appearance, including a brief statement of the subject matter and substance of their testimony, as well as the estimated time for their examination. If a witness is to appear by deposition, cite the inclusive pages and lines to be read. Objections to those portions (citing pages and lines) with supporting authority shall be filed by the date set forth in the scheduling order.

Counsel shall submit a written summary of the qualifications of each expert witness. The court expects the attorneys to prove their witnesses' expertise through examination.

Include in this section the following statement:

“In the event there are any other witnesses to be called at the trial, their names, addresses, and the subject matter of their testimony shall be reported to opposing counsel as soon as they are known. This restriction shall not apply to rebuttal or impeachment witnesses, the necessity of whose testimony cannot reasonably be anticipated before the time of trial.”

### **Settlement**

Include a statement as to the status of settlement negotiations, and, if applicable, that all settlement efforts have been exhausted. State the current settlement demand and offer and whether the case can reasonably be expected to settle.

### **Trial**

Include in this paragraph the following:

- (a) Whether trial will be jury or non-jury;
- (b) Probable length of trial;
- (c) Availability of witnesses;
- (d) Any foreseeable logistical problems.

### **Additional Required Attachments**

**For jury trials, include the following IN DUPLICATE, WITH ONE 3.5" COMPUTER DISK IN WORDPERFECT FORMAT CONTAINING THE CHARGE AND INTERROGATORIES, TO BE DELIVERED TO CHAMBERS:**

- (a) Proposed questions for the voir dire examination;
- (b) **Agreed** charge, including proposed jury instructions, definitions, interrogatories, and authority;
- (c) **Memoranda of law on disputed issues of law,**
- (d) **Motions in limine .**

For non-jury trials, include the following **IN DUPLICATE, WITH ONE 3.5" COMPUTER DISK IN WORDPERFECT FORMAT CONTAINING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW, TO BE DELIVERED TO CHAMBERS:**

- (a) Proposed findings of fact and conclusions of law separating those agreed from those in dispute. The conclusions of law must include citation of authority.
- (b) **Memoranda of law on disputed issues of law.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE

APPROVED:

\_\_\_\_\_  
Counsel for Plaintiff(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Counsel for Defendant(s)

\_\_\_\_\_  
Date

**UNITED STATES DISTRICT COURT**

## Eastern

DISTRICT OF \_\_\_\_\_

Texas

VS.

EXHIBIT AND WITNESS LIST OF \_\_\_\_\_

CASE NUMBER:

[illegible]

## EXHIBIT AND WITNESS LIST (Continued)

[illegible]

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**UNITED STATES DISTRICT COURT \* \* \* \* \* EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

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\_\_\_\_\_  
v. \_\_\_\_\_

§  
§  
§  
§  
§

CIVIL ACTION NO. \_\_\_\_\_

**SCHEDULING ORDER**

The following schedule shall be followed. All communications concerning the case shall be directed in writing to Debbie Collazo, Court Administrator for Judge Crone, P.O. Box 1470, Beaumont, TX 77704. For urgent matters, Ms. Collazo may be contacted at (409) 654-2880.

1. \_\_\_\_\_ NEW PARTIES shall be joined, without leave of court, by this date.
2. \_\_\_\_\_ The pleadings shall be AMENDED, without leave of court, by this date.
3. \_\_\_\_\_ PLAINTIFF shall designate EXPERT WITNESSES in writing and provide expert reports by this date.
4. \_\_\_\_\_ DEFENDANT shall designate EXPERT WITNESSES in writing and provide expert reports by this date.
5. \_\_\_\_\_ DISCOVERY shall be completed by this date.
6. \_\_\_\_\_ MOTION CUT-OFF. Aside from motions in limine, no motion, including motions to exclude or limit expert testimony, shall be filed after this date except for good cause shown. Without leave of court, a party may file only one summary judgment motion. (This date must be a least 2 weeks after the discovery completion date.)
7. \_\_\_\_\_ The JOINT PRETRIAL ORDER, including motions in limine and a proposed charge or proposed findings of fact and conclusions of law, shall be filed and proposed trial exhibits shall be exchanged on or before this date. (This date must be at least 12 weeks after the motion cut-off.)
8. \_\_\_\_\_ OBJECTIONS TO proposed exhibits, witnesses, and deposition excerpts, as well as responses to motions in limine, shall be filed by this date. (This date must be no more than 1 week after the Joint Pretrial Order is due.)
9. \_\_\_\_\_ DOCKET CALL at 10:00 a.m. (Select a date from the attached list, which must be at least 2 weeks after the Joint Pretrial Order is due.) The case will be set for Final Pretrial Conference and Trial at the docket call. The parties should be prepared to try the case on the date of the docket call.
10. \_\_\_\_\_ Estimated time to try before a jury/the court. (Underline one.)  
SIGNED at Beaumont, Texas, on \_\_\_\_\_, \_\_\_\_.

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE



### **Docket Call Dates for Judge Marcia A. Crone**

(Select one of the dates listed below to complete Number 9 of the Scheduling Order)

July 9, 2004

January 6, 2006

August 6, 2004

February 3, 2006

October 8, 2004

March 10, 2006

September 3, 2004

April 7, 2006

November 5, 2004

May 5, 2006

December 3, 2004

June 2, 2006

January 7, 2005

July 7, 2006

February 4, 2005

August 4, 2006

March 11, 2005

September 8, 2006

April 8, 2005

October 6, 2006

May 6, 2005

November 3, 2006

June 3, 2005

December 8, 2006

July 8, 2005

August 5, 2005

September 2, 2005

October 7, 2005

November 4, 2005

December 9, 2005